

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CHRISTOPHER STEPHEN BECK,

Plaintiff,

V.

SHERIFF DAN OSMUND, Custer
County Jail,

Defendant.

8:16CV193

**MEMORANDUM
AND ORDER**

Plaintiff has filed a motion (Filing No. [2](#)) seeking the appointment of counsel. The court cannot routinely appoint counsel in civil cases. In [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#), the Eighth Circuit Court of Appeals explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel.” Trial courts have “broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff’s ability to investigate the facts and present his claim.” [Id.](#) Having considered these factors, the request for the appointment of counsel will be denied without prejudice to reassertion at a later time.

Plaintiff has also filed a document which the court construes as a request for summons. (Filing No. [3](#).) Plaintiff is advised that if he is ultimately permitted to proceed in forma pauperis, the court will conduct an initial review of his complaint to determine whether the suit may proceed to service of process. Therefore, Plaintiff’s request for summons is premature and will be denied at this time.

Plaintiff has also filed a “First Request for Production of Documents.” (Filing No. [8](#).) Plaintiff is advised that the court does not facilitate discovery between the parties. Moreover, the court will advise the parties when formal discovery may begin. Therefore, Plaintiff’s First Request for Production of Documents will be denied.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion to Appoint Counsel (Filing No. 2) is denied without prejudice to reassertion.
2. Plaintiff's request for summons (Filing No. 3) is denied.
3. Plaintiff's First Request for Production of Documents (Filing No. 8) is denied.

DATED this 27th day of June, 2016.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge